

House Judiciary Committee Amendment No. 1

Amendment No. _____

1 to SB3055
Signature of Sponsor _____

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 3055

House Bill No. 2955*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 71-6-120(d), is amended by deleting in the first sentence the phrase, "by clear and convincing evidence"; by deleting in the second sentence the phrase, ", including attorneys' fees"; and by inserting the following new sentence after the second sentence:

In addition, if it is proven upon clear and convincing evidence that abuse or neglect, sexual abuse or exploitation or theft resulted from intentional, fraudulent or malicious conduct by the defendant, a claimant shall be entitled to recover reasonable attorneys' fees.

SECTION 2. Tennessee Code Annotated, Section 71-6-120, is amended by deleting subsection (e) in its entirety and substituting instead the following:

(e) In addition to the damages described in (d), a defendant may also be found liable for punitive damages in accordance with applicable common law standards.

SECTION 3. Tennessee Code Annotated, Section 71-6-120, is amended by adding the following as a new appropriately designated subsection:

() This section shall not apply to a cause of action within the scope of Title 29, Chapter 26, and such cause of action shall be governed solely by Title 29, Chapter 26.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

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